

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JANICE COLLETTI,

Civil Action No.:

Plaintiff,

NOTICE OF REMOVAL

-against

TARGET and TARGET CORPORATION,

Suffolk County
Index No.: 603276/2021

Defendant.

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**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK:**

Defendant, TARGET CORPORATION s/h/a TARGET and TARGET CORPORATION ("Target"), by its attorneys, SIMMONS JANNACE DELUCA, LLP, upon information and belief, respectfully petitions the Court, pursuant to 28 U.S.C. § 1441, as follows:

1. On or about September 25, 2021, the above-captioned civil action was commenced and is now pending in the Supreme Court of the State of New York, County of Suffolk, bearing Index number 603276/2021. A trial has not yet been had therein. A copy of the Summons and Verified Complaint is annexed hereto as **EXHIBIT "A"**. Target interposed its Verified Answer to plaintiff's Complaint on March 17, 2021. A copy of Target's Verified Answer is annexed hereto as **Exhibit "B"**.

2. The action seeks monetary damages for personal injuries allegedly suffered by plaintiff, Janice Colletti on August 24, 2019 inside a Target store, located at 100 Willow Street,

Farmingdale, New York. The plaintiff's Verified Complaint sounds in negligence.

3. This action involves a controversy between citizens of different states, in that: (a) plaintiff is a citizen of the State of New York; and (b) defendant, Target Corporation is now, and was at the time the action was commenced, incorporated pursuant to the laws of the State of Minnesota with their principal places of business in Minnesota.

4. Accordingly, there is complete diversity between defendant and plaintiff and this action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1332.

5. In addition, the amount in controversy exceeds \$75,000, evidenced by plaintiff's Response to Defendant's Demand Pursuant to CPLR § 3017(c), wherein plaintiff claims damages in the total sum of \$5,000,000. A copy of plaintiff's Demand Pursuant to CPLR § 3017(c), received by Your Affirmant on March 25, 2021, is annexed hereto as **Exhibit "C."**

6. This notice of removal is being filed within 30 days of receipt of plaintiff's Demand Pursuant to CPLR § 3017(c), confirming the amount in controversy exceeds \$75,000.

7. Written notice of the filing of this Notice of Removal will be given to plaintiff promptly after the filing of this Notice. A true and correct copy of this Notice of Removal will be

filed with the Clerk of the Court of the Supreme Court of the State of New York, County of Suffolk promptly after the filing of this Notice.

8. Attached to this Notice, and by reference made a part hereof, are true and correct copies of all process and pleadings filed herein.

9. By filing this notice of removal, Target does not waive any defense which may be available to it, specifically including, but not limited to, its right to contest in personam jurisdiction, improper service of process and the absence of venue in this Court or the Court from which this action has been removed.

WHEREFORE, Defendant prays that the above-captioned action now pending in the Supreme Court in the State of New York, County of Suffolk, be removed therefrom to this Court.

Dated: Hauppauge, New York
March 25, 2021

Yours, etc.,

SIMMONS JANNACE DELUCA LLP

BY:



Ian E. Hannon (lh-1464)

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